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SH 2323207

- Deputy Werner's shooting and training records
- Miscellaneous documents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
10-24-12	Compton Sheriff Station	☐	☒

Incident Information

URN: 012-13567-2826-057	Date: 10-24-12 Time: 1818 hrs
City or Station: Compton	Nature of Incident: Deps Werner [redacted] heard gunshots while on traffic stop. See vehicles leaving scene at high rate of speed. Follow maroon vehicle, weapon tossed from suspvehicle. Deps in veh pursuit. Susp vehicle slows, susp/driver exits vehicle, and runs northbound through yards. Rear susp/pax exited vehicle jumps in bed of trk parked in driveway at 1609 San Luis attempted to climb over fence it breaks. Dep Werner follows path of susp, looks over fence sees suspect turned twd him fumbling with something at waistband. Dep Werner shot 2-3 rounds at susp who continued running in backyard Dep Werner followed, shot addt'l 2-3 rounds then another 2-3 rounds, striking susp in torso. Dep [redacted] watched susp vehicle roll and crash into parked vehicle with front pax still in vehicle. Susp veh came to rest in front of 1615 E San Luis. Once susp veh stopped susp/front pax exited and charged Dep [redacted] who fired 2-3 rds striking susp in foot. Deps Felmer and Carbajal second unit in pursuit, arrived with Deps asst'd did not fire.
Location: [redacted] E. San Luis St. [redacted] E. San Luis St.	

Location Type (*circle one or more*):
- (circled) Backyard
- Beach
- Business
- Freeway
- Industrial
- Park
- Parking Lot
- (circled) Residence
- Rural
- School
- (circled) Street
- Other: ______

Lighting (*circle only one*):
- Darkness
- (circled) Daylight
- Other
- Street Lights

Weather (*circle only one*):
- (circled) Clear
- Cloudy
- Fog
- Rain

Distance:

Incident Type (*circle one or more*):
- Accidental
- (circled) Armed Person
- (circled) Fleeing Suspect
- (circled) Foot Pursuit
- Gun Take Away
- (circled) Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- (circled) Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ______

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- Observation
- One Person Unit
- Other
- Search Warrant
- (circled) Two Person Unit

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- (circled) Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
13	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Carbajal	Jose	C.	EM (PM circled) Day	(Regular circled) Overtime Off Duty
[redacted]	Felmer	Robert		EM (PM circled) Day	(Regular circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	
[redacted]	[redacted]	R..	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: / Home Ph: [redacted]
[redacted]	[redacted]		
Street Address: [redacted]	City:	Zip Code:	Work Ph: [redacted] / Home Ph:
[redacted]	[redacted]		
Street Address: [redacted]	City:	Zip Code:	Work Ph: [redacted] / Home Ph:

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Ebbinga	Kurtis		(On Duty circled) Present during shooting Witness to shooting Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sandoval	Jose	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Suzan	

PSTD Use Only
SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 012-13567-2826-057

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-24-12	1915		

Employee #	Last Name	First Name	M.I
[redacted]	McBride	John	
[redacted]	Haynes	Laura	
[redacted]	Parker	Brenda	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#2	E#2	RS					NN	
E#2	S#2	FH	BR	9	Y	Y	GS	AK
S#1	E#1	RS					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	LE
E#1	S#1	FH	BR	9	Y	Y	GS	BT
E#1	S#1	FH	BR	9	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information

URN: 012-13567-2826-057

Involved Employee

E 1

Employee # [redacted]	Last Name Werner	First Name John	M.I.
Sex: M Race: W	Rank Derputy Sheriff	Unit Assignment: Compton patrol	Work Assignment (Unit #, Module, etc.): 286B
ShiftTime (*circle only one*): EM **(PM)** Day	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 8	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **(Uniform w/ Vest)**	Other Factors:
Age: 39 Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? ☒	Patrol Certification? ☒	Certification Unit: Compton	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: Beretta	Caliber 9mm	# Shots 10	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM **(PM)** Day	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 8	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **(Uniform w/ Vest)**	Other Factors:
Age: [redacted] Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? ☒	Patrol Certification? ☒	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: Beretta	Caliber 9mm	# Shots 3	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 012-13567-2826-057

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Suspect Information

S 1

Last Name: Tate		First Name: Lawrence	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Blk	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 27 D.O.B. 02-06-85	Height: 601 Weight: 185	FBI #: [redacted]	CII #: [redacted]
Booking #: 3346828	Primary Charge: 29900(a)(1)PC	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [X]
Vehicle Make: Infinity		Model: I35	Year: 2002

S 2

Last Name: Keahey		First Name: Dennis	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Blk	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 24 D.O.B. 04-17-88	Height: 507 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make: Infinity		Model: I35	Year: 2002

S 3

Last Name: Cooper		First Name: Robert	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Blk	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: D.O.B. 10-18-90	Height: 600 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: 3345944	Primary Charge: 29900(a)(1)PC	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make: Infinity		Model: I35	Year: 2002

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code	Work Ph [redacted]	Home Ph
Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code	Work Ph [redacted]	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Investigative Summary

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2323207

File # 012-13567-2826-057

DATE: October 24, 2012, Wednesday

TIME: 1818 hours

LOCATION: [redacted] San Luis Street, Compton CA. 90221

Opening Statement

On Wednesday, October 24, 2012, Internal Affairs Bureau investigators responded to an incident command post, established by Compton Station personnel. Sergeant Laura Haynes, Sergeant Brenda Parker and Lieutenant John McBride were briefed regarding the circumstances of a Deputy Involved Hit Shooting. Sergeant Laura Haynes was assigned the responsibility for the administrative review of the incident.

Sergeant Haynes retired from the Sheriff's Department in April of 2014, before finishing the administrative review of the incident. Sergeant Richard Martinez was tasked with completing the review in Sergeant Haynes' absence.

IAB NOTE: The Administrative Rights Force/Shooting Forms for Deputies [redacted] and Werner were not included in the case book I received from Sergeant Haynes. During the deputies interviews with IAB investigators they were asked if they received an Administrative Rights Force/Shooting Form. The deputies acknowledged they received the form, read it and understood it. These conversations are reflected on the transcripts, as well as audio recordings of the interviews.

Synopsis

Deputy [redacted] (Driver) and Deputy Werner (Bookman) were [redacted] when they heard a volley of gunshots close to their location. As they drove to investigate, they saw two cars driving down the street in their direction. It appeared as if one car was chasing the other. One of the cars drove past them on the driver's side of their patrol car while the other car passed by them on the passenger side. The cars then split up and drove off in different directions. Believing an assault with a gun had just occurred, the deputies went in pursuit of the car which had been chasing the other car.

Deputies [redacted] and Werner had a ride-along (Witness [redacted] with them that evening. Deputy Werner briefed the ride-along about what they should do in case of an emergency and when they were out of the patrol vehicle. This took place at the station, before they started the shift. During this incident Deputy Werner told the ride-along to stay in the vehicle when the pursuit ended. Witness [redacted] stayed in the vehicle at the termination of the pursuit until the shooting ended. She let herself out by reaching through the partially open back window. Shortly after she exited the vehicle she was told by a deputy to go back inside, to which she complied.

During the pursuit, the deputies saw there were multiple suspects in the car and one of the suspects threw a handgun out of the window. The pursuit went for approximately 2.9 miles and lasted approximately 4 minutes before the suspects turned onto a cul-de-sac. The driver of the suspect vehicle, Suspect Keahey, exited the car while it was still moving and ran.

Suspect Keahey ran down the driveway of [redacted] East San Luis Street and onto a pickup truck that was parked in the driveway, against a fence. Deputy Werner went in foot pursuit of Suspect Keahey who was approximately twenty feet away, following him down the driveway and onto the pickup truck. Suspect Keahey jumped over the fence and landed in the backyard. Deputy Werner continued to follow Suspect Keahey and looked over the fence. He saw Suspect Keahey turning in his direction while reaching for his waistband and estimated he was approximately six to eight feet away at this point. Believing Suspect Keahey was arming himself with a handgun, Deputy Werner shot at him. Deputy Werner said there were no people in the backyard and he saw nothing but clear concrete. He described this as a clear backdrop. The distance from Deputy Werner's radio car to the fence was approximately forty feet. Two 9mm shell casings were recovered from the bed of the pickup truck and one 9mm shell casing was recovered from the ground near the driver's side door.

Deputy Werner also jumped over the fence and continued to chase Suspect Keahey eastbound through the backyard of [redacted] East San Luis Street. On two additional occasions during the foot pursuit in the backyard, Suspect Keahey turned toward Deputy Werner grabbing at his waistband. Deputy Werner, believing the suspect was reaching for a handgun, fired at the suspect each time. Four 9mm shell casings were recovered from the ground, near the water heater housing, which is located on the northwest corner of the house. Three 9mm shell casings were recovered from the center of the backyard. Suspect Keahey then jumped over a chain link fence into the backyard of the house next door ([redacted] East San Luis Street.) Suspect Keahey layed on the ground and was taken into custody by Deputy Werner with the assistance of Deputy Felmer. Suspect Keahey was taken into custody approximately fifty feet from the fence he initially jumped over in the driveway. Deputy Werner said it appeared that Suspect Keahey was not hit by the gunfire during the first two times he fired. He said after the third time he shot, it appeared he shot the suspect in the leg, based on the suspect's reaction.

Deputy Werner said prior to him initiating the foot pursuit he heard deputies coming up behind him. He did not look back, however he could hear the radios and car doors opening and closing. He also said the helicopter was overhead, as he chased the suspect.

Deputy [redacted] ran toward the suspect's car as it stopped (approximately eighty feet from Deputy [redacted] radio car,) as he saw a suspect exiting from the passenger side. Deputy [redacted] said when he initially exited his vehicle he was in the middle of the street. He ran to the north sidewalk to get out of the street and take cover near a large tree. Suspect Tate emerged from the front passenger seat and ran in Deputy [redacted] direction. Suspect Tate who was now approximately forty feet away, grabbed at his waistband as he ran toward Deputy [redacted] Believing the suspect was retrieving a handgun, Deputy [redacted] shot at the suspect three times. Suspect Tate collapsed in the driveway of [redacted] and was taken into custody by Deputy [redacted] with the assistance of Deputy Carbajal. One 9mm shell casing was recovered from the street in front of [redacted] and two 9mm shell casings were recovered from the southwest area of the front yard of the same address. Deputy [redacted] said there was a large cinder block wall at the end of the street (behind the suspect) and there were no pedestrians on the street.

The third suspect, Suspect Cooper, ran from the vehicle and was taken into custody a short distance away ([redacted]) while hiding under a vehicle.

Suspect Keahey sustained five gunshot wounds, two to his torso, two to his left thigh, and one to the buttocks. He was transported to Saint Francis Medical Center where he was listed in stable condition.

Suspect Tate sustained one gunshot wound to the left foot. He was transported to Saint Francis Medical Center where he was listed in stable condition.

The suspect's .357 caliber revolver was recovered where it was thrown from the vehicle.

.

No deputies were injured.

It should be noted a gunshot victim was located near the area where the deputies heard the gunshots and saw the suspect's car. That victim ultimately died. The case is documented under 012-16011-2137-011 and is being investigated by Sergeant Joe Ramirez and Ray Lugo.

All three suspects are "Leuders Park Piru" gang members.

IAB NOTE: Deputies [redacted] and Werner said they each put out radio traffic advising they had been involved in a shooting, however they did not know if it went over the air, as numerous people were talking on the radio at the same time. I listened to the radio traffic **Exhibit D.** One broadcast of 998 can be heard; however several people were talking over each other on the radio, shortly after that transmission.

The incident was documented in Homicide Bureau's case book and Supplemental Report, **Exhibit A**, a vehicle pursuit packet and foot pursuit evaluation form provided by Compton Station, **Exhibit B**, and crime scene sketches along with related CD's & DVD's, **Exhibits C & D.**

Involved Personnel

[redacted] Deputy, #[redacted]

Assigned to [redacted]

Working Unit [redacted]

Date of Employment: [redacted]

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Werner, John, Deputy, #[redacted]

Assigned to Central Patrol Division, Compton Station

Working Unit 286B, Compton Station

Date of Employment: January 5, 2005

Date Assigned to Patrol: January 27, 2008

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Suspects

Keahey, Dennis MB/04-17-88

Suspect Keahey has [redacted]. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Keahey (CII# [redacted]) has been [redacted] ([redacted]) Refer to the CCHRS printouts included under **Exhibit A, pages 100-117.**

Tate, Lawrence MB/02-06-85

Suspect Tate has [redacted]. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Tate (CII# [redacted]) has been [redacted] ([redacted]) Refer to the CCHRS and RAPS printouts included under **Exhibit A, pages 118-136.**

Cooper, Robert MB/10-18-90

Suspect Cooper has a [redacted]. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Cooper (CII# [redacted]) has been [redacted]) Refer to the CCHRS and RAPS printouts included under **Exhibit A, pages 137-146.**

Sworn Witnesses

Felmer, Robert # [redacted], Deputy (COPS Bureau)

Carbajal, Jose # [redacted], Deputy (COPS Bureau)

Civilian Witnesses

[redacted]

Injuries

No deputies were injured.

Suspect Keahey sustained five gunshot wounds, one to his right chest and one to his left chest, two to his left thigh, and one to the right side of his buttocks. He was transported to Saint Francis Medical Center where he was listed in stable condition.

Suspect Tate sustained one gunshot wound to the left foot. He was transported to Saint Francis Medical Center where he was listed in stable condition.

Medical Records for Suspect Keahey and Suspect Tate are included under **Exhibit E.**

Physical Evidence

All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see **Exhibit A, pages 62 thru 90.** Additionally, DVD's and CD's containing crime scene photographs, and audio recordings are provided with this case; refer to **Exhibit D**.

Investigators' Observations

At the time of the IAB investigator's arrival, the crime scene had been preserved. The physical evidence at the scenes appeared to be consistent with the deputies' versions of the events.

This incident occurred on the [redacted] East San Luis Street, Compton which is a east/west residential street and cul-de-sac. For further details, refer to **Exhibit A, pages 195- 203**. Also refer to the crime scene sketches and pictures in **Exhibits C and D.**

Weapons used by Deputy Personnel:

[redacted]
Service Weapon Type: Beretta 9mm, 92FS, serial #BER[redacted]
Rounds Fired: Three
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

IAB Note: An examination of Deputy [redacted] firearm indicated he shot a total of three rounds, as he carried his weapon with fifteen rounds in the magazine and one round in the chamber. Following the shooting his weapon contained twelve rounds in the magazine and one round in the chamber. Thirteen 9MM casings were recovered at the scene. See **Exhibit A pages 64-66.**

The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A pages 79-80.**

Werner, John
Service Weapon Type: Beretta 9mm, 92FS, serial #BER[redacted]
Rounds Fired: Ten
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

IAB Note: An examination of Deputy Werner's firearm indicated he shot a total of ten rounds, as he carried his weapon with fifteen rounds in the magazine and one round in the chamber. Following the shooting his weapon contained five rounds in the magazine and one round in the chamber. Thirteen 9MM casings were recovered at the scene. See **Exhibit A pages 64-66.** The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A pages 79-80.**

Weapon used by Suspect

(1) Chrome, Smith and Wesson .357 Magnum revolver Serial #[redacted] containing (6) fired cartridge cases "R-P 357 Magnum"

The firearm was tested by Sheriff's firearms examiners. **See Exhibit A pages 72-73.**

IAB NOTE: Weapons were not located at the shooting scenes or on the suspects when they were taken into custody. Both suspects during their encounters with the deputies simulated possessing weapons by reaching/grabbing in their waistbands.

Property Damage

The following impacts/bullets and fragments were located at [redacted] East San Luis Street: (1) Bullet hole to the west facing panel of the water heater housing box and (1) bullet hole to the south facing garage door. Bullet fragments were located in the driveway just north of the fence, center of the backyard and northeast area of the backyard. (1) fired bullet was located in the center of the backyard as well. (1) fired bullet lead core was located near the driveway of [redacted] (1) fired bullet was located in the backyard of [redacted] It was undetermined where the rest of the rounds fired by the deputies struck. See **Exhibit A pages 64, 65 and 84** and Crime Scene sketches **Exhibit C.**

Criminal Investigator

The handling Homicide Detectives were Richard Tomlin #[redacted] and Luis Nunez #[redacted]

A felony charge of Evading an Officer, Willful Disregard, 2800.2(a) VC was filed against Suspect Keahey under case #TA125800. See **Exhibit A pages 147-152.**

On March 27, 2013 Suspect Keahey pled guilty to 2800.2(a) VC and received a five year prison sentence. See **Exhibit A pages 60-61.**

Lighting and Weather Conditions

This incident occurred during daylight hours. The weather was clear and cool.

Involved Employee Statements

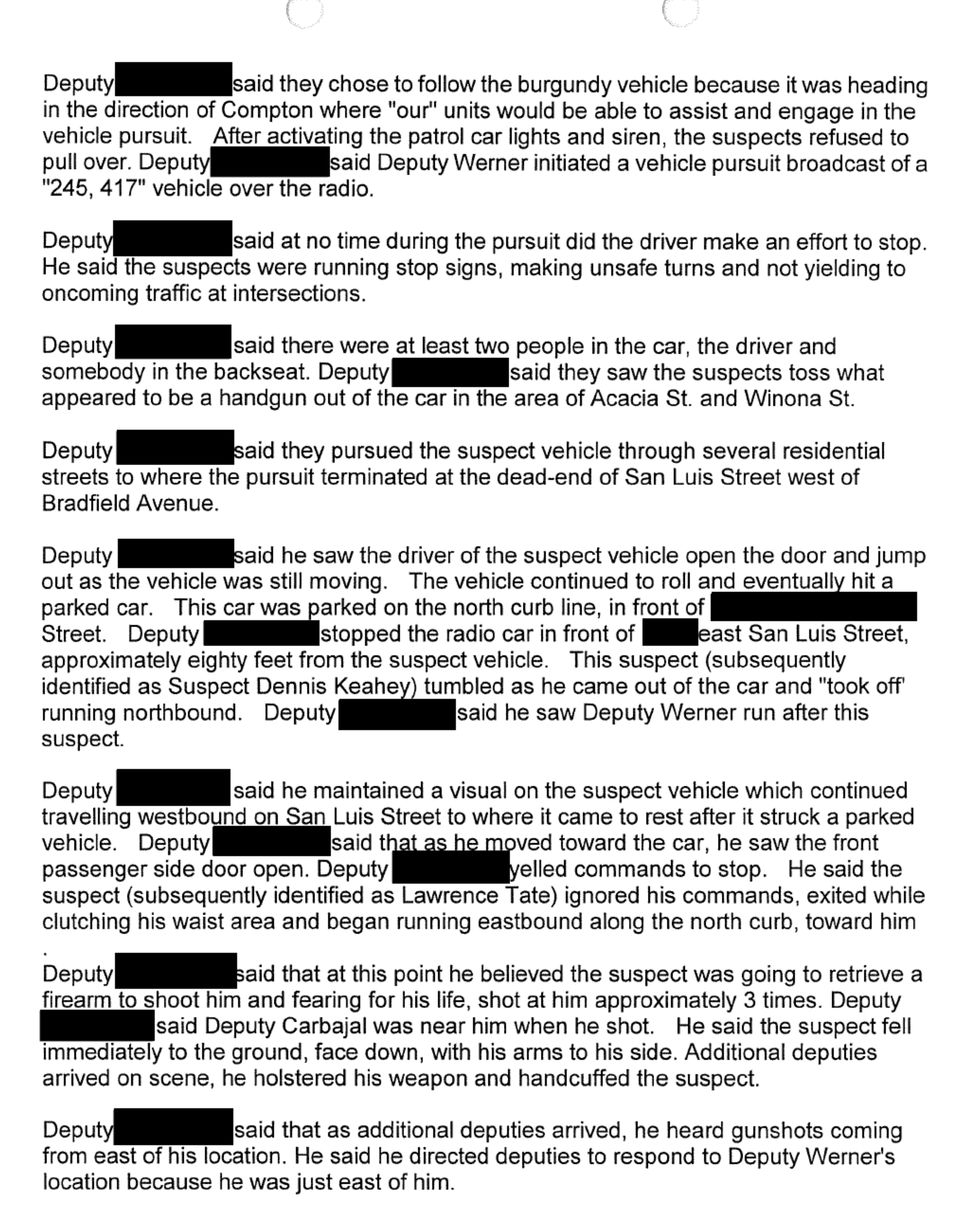
Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in **Exhibit A, Supplemental Report.** The verbatim transcripts of those interviews are enclosed in this case. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said.

IAB Interview of Deputy [redacted]

Deputy [redacted] was interviewed by IAB investigators Laura Haynes and Brenda Parker on July 22, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy [redacted] said he and his partner (Deputy Werner) were on a [redacted] at Stockwell Street, east of Willowbrook Avenue when they heard gun shots just west of their location. As they travelled westbound on Stockwell Street to check for the source of the shots, they saw two vehicles coming east on Stockwell Street towards them. Deputy [redacted] attempted to conduct a head on traffic stop of the vehicles, however they drove around him.

Both vehicles continued eastbound on Stockwell Street toward Willowbrook Avenue. The first vehicle,a gold Buick, drove northbound on Willowbrook Avenue, west of the train tracks. The suspect vehicle drove southbound on Willowbrook Avenue, west of the train tracks.



Deputy [redacted] said they chose to follow the burgundy vehicle because it was heading in the direction of Compton where "our" units would be able to assist and engage in the vehicle pursuit. After activating the patrol car lights and siren, the suspects refused to pull over. Deputy [redacted] said Deputy Werner initiated a vehicle pursuit broadcast of a "245, 417" vehicle over the radio.

Deputy [redacted] said at no time during the pursuit did the driver make an effort to stop. He said the suspects were running stop signs, making unsafe turns and not yielding to oncoming traffic at intersections.

Deputy [redacted] said there were at least two people in the car, the driver and somebody in the backseat. Deputy [redacted] said they saw the suspects toss what appeared to be a handgun out of the car in the area of Acacia St. and Winona St.

Deputy [redacted] said they pursued the suspect vehicle through several residential streets to where the pursuit terminated at the dead-end of San Luis Street west of Bradfield Avenue.

Deputy [redacted] said he saw the driver of the suspect vehicle open the door and jump out as the vehicle was still moving. The vehicle continued to roll and eventually hit a parked car. This car was parked on the north curb line, in front of [redacted] Street. Deputy [redacted] stopped the radio car in front of [redacted] east San Luis Street, approximately eighty feet from the suspect vehicle. This suspect (subsequently identified as Suspect Dennis Keahey) tumbled as he came out of the car and "took off" running northbound. Deputy [redacted] said he saw Deputy Werner run after this suspect.

Deputy [redacted] said he maintained a visual on the suspect vehicle which continued travelling westbound on San Luis Street to where it came to rest after it struck a parked vehicle. Deputy [redacted] said that as he moved toward the car, he saw the front passenger side door open. Deputy [redacted] yelled commands to stop. He said the suspect (subsequently identified as Lawrence Tate) ignored his commands, exited while clutching his waist area and began running eastbound along the north curb, toward him
.

Deputy [redacted] said that at this point he believed the suspect was going to retrieve a firearm to shoot him and fearing for his life, shot at him approximately 3 times. Deputy [redacted] said Deputy Carbajal was near him when he shot. He said the suspect fell immediately to the ground, face down, with his arms to his side. Additional deputies arrived on scene, he holstered his weapon and handcuffed the suspect.

Deputy [redacted] said that as additional deputies arrived, he heard gunshots coming from east of his location. He said he directed deputies to respond to Deputy Werner's location because he was just east of him.

IAB Interview of Deputy John Werner

Deputy Werner was interviewed by IAB investigators Laura Haynes and Brenda Parker on July 22, 2013. The following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcript.

Deputy Werner said he and Deputy [redacted] were on a [redacted] near Stockwell Street and Willowbrook Avenue when they heard approximately 5-7 loud gunshots west of them. They went west on Stockwell St. to look for the source of the shots. They saw two cars travelling in tandem southbound on a north/south Street at a high rate of speed coming towards them.

Deputy Werner said the cars turned east on Stockwell Street and came towards them at a high rate of speed. Based on both cars erratic driving, and high rate of speed coming from the area of the gunshots, Dep. Werner believed they were the suspects responsible for the shooting. Deputy [redacted] moved the radio car into the east bound lane to try to get them to stop. Both suspect cars swerved around them, one car to the right, the other to the left.

Deputy Werner advised over the radio they were in pursuit of a 245, 417 vehicle and they followed the maroon car. He said he saw "a shiny object" fly out of the passenger side of the suspect car and knew it was a gun. Ultimately they were chasing the car east on Rosecrans Ave. The suspect was driving at a high rate of speed, at times driving on the sidewalk.

Deputy Werner said they were on San Luis Street, heading towards a dead end when the suspect vehicle slowed down. Simultaneously, the driver's door and both right side passenger doors opened while the car was still moving. The driver rolled out of his car towards their radio car and ultimately got up and started running down a driveway. As the suspect ran his right hand was tucked in his waist band and he continually looked over his shoulder. Deputy Werner said these actions were consistent with someone armed with a gun. The suspect continued running down the driveway and jumped in the bed of a pick-up truck. The rear of the truck was parked against a fence leading into the back yard of that residence. The suspect then jumped over the fence entering the back yard.

Deputy Werner said as the suspect was jumping over the fence, he (Deputy Werner) was also in the bed of the pick-up truck and ran to the fence. As Deputy Werner looked over the fence he saw the suspect crouching and looking over his shoulder, with his hand near his waistband. Fearing he was going to be shot, Deputy Werner fired at him.
Deputy Werner said he also jumped over the fence and maintained sight of the suspect. The suspect continued running, looking back at Deputy Werner while grabbing his waistband with his right hand. Fearing for his safety, Deputy Werner, said he fired again and wasn't sure if he hit the suspect or not.

Deputy Werner said the suspect continued running past the detached garage towards the north east corner of the property. He was still grabbing his waistband with his right hand. The suspect stopped and looked at Deputy Werner. Fearing the suspect was going to pull out a gun and shoot him, Deputy Werner fired at him. The suspect ran to a chain link fence on the side of the yard and climbed over it. Once on the opposite side of the fence, the suspect gave up and was taken into custody.

Deputy Werner said he knew there were numerous deputies around during the incident, he did not turn around to look at them, but he could hear their radios near him.

Deputy Werner said every time he has a ride-along he explains how to use the radio in case of an emergency. He also tells them to stay behind him if they are outside of the vehicle and to do what he tells them. Deputy Werner said prior to him exiting the vehicle at the end of the pursuit he told the ride-along to stay down and remain in the vehicle. He went on to say he was not worried about the ride-along at this time, as he knew there were a lot of deputies near her.

Witnesses

Sworn:

Felmer, Robert, Deputy #[redacted]
COPS Bureau

Deputy Felmer was interviewed by Homicide Investigators, along with IAB investigators. For a summary of the interview, refer to **Exhibit A**, **pages 4 and 5 of the Supplemental Report**, and the verbatim transcript of that interview.

Carbajal, Jose, Deputy #[redacted]
COPS Bureau

Deputy Carbajal was interviewed by Homicide Investigators, along with IAB investigators. For a summary of the interview, refer to **Exhibit A**, **pages 3 and 4 of the Supplemental Report**, and the verbatim transcript of that interview.

Deputy Felmer and his partner (Deputy Carbajal) were assigned to a COPS Bureau unit at the time of the incident. They were in an unmarked Detective Bureau type vehicle (solid color, equipped with red light and siren.) They were the second vehicle in the pursuit.

Civilian:

[redacted] (Ride-along)

Witness [redacted] was on a ride-along in the vehicle with Deputies [redacted] and Werner.

Witness [redacted] was interviewed by Homicide Investigators, along with IAB investigators. For a summary of the interview, refer to **Exhibit A**, **pages 2 and 3 of the Supplemental Report**, and the verbatim transcript of that interview.

[redacted]

Witness [redacted] was standing on the sidewalk in front of [redacted] at the termination of the pursuit and lives in the area.

Witness [redacted] was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 50-53**. The interview was audio recorded and a CD of the interview can be found in **Exhibit D**.

[redacted]

Witness [redacted] was standing on the sidewalk with Witness [redacted].

Witness [redacted] was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 50-53**. The interview was audio recorded and a CD of the interview can be found in **Exhibit D**.

[redacted]

Witness [redacted] heard gun shots; however he did not see the shooting or the vehicles involved.

Witness [redacted] was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 50-53**. The interview was audio recorded and a CD of the interview can be found in **Exhibit D**.

[redacted]

Witness [redacted] was standing in front of [redacted] and [redacted]

Witness [redacted] was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 50-53**. The interview was audio recorded and a CD of the interview can be found in Exhibit D.

Suspects:

Tate, Lawrence

Suspect Tate was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 10 and 11 of the Supplemental Report**, and the verbatim transcript of that interview.

Keahey, Dennis

Suspect Keahey was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **pages 12 and 13 of the Supplemental Report**, and the verbatim transcript of that interview.

Cooper, Robert

Suspect Tate was interviewed by Homicide Investigators. For a summary of the interview, refer to **Exhibit A**, **page 10 of the Supplemental Report**.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

August 6, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0689
L.A.S.D File # 012-13567-2826-151

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 24, 2012, non-fatal shooting of Dennis Keahey, Jr. and Lawrence Tate by Los Angeles Sheriff's Department Deputies [redacted] and John Werner. We find that Deputies [redacted] and John Werner acted lawfully in self-defense and in an attempt to arrest dangerous felons.

The District Attorney's Command Center was notified of the shooting on October 24, 2012 at approximately 6:53 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Renee Chang and District Attorney Senior Investigator Christopher Oppenborn, responded and was given a briefing of the circumstances and a walk-through of the scene.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Richard Tomlin, LASD Homicide Bureau. The voluntary statements of Deputies [redacted] and Werner were considered as part of this analysis.

FACTUAL ANALYSIS

On October 24, 2012, at approximately 6:18 p.m., Deputies [redacted] and Werner were [redacted] near the intersection of Stockwell Street and Willowbrook Avenue in the City of Compton.[1] During [redacted], [redacted] and Werner heard multiple gunshots which sounded like

[1] [redacted] and Werner were partners and assigned to patrol that evening. [redacted] was the driver and Werner was the passenger. [redacted] Werner's [redacted] was seated in the back of their patrol vehicle as a "ride-along" passenger.

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they came from nearby.[2] They [redacted] and began to drive toward the sound of the gunshots. A few moments later, a maroon 4-door Infiniti drove toward them at a high rate of speed in an erratic manner. A tan colored vehicle was closely following the Infiniti and was also traveling in an erratic manner. [redacted] attempted to conduct a traffic stop on the vehicles to investigate whether the occupants were involved in a possible shooting. He stopped his patrol vehicle and activated the lights and siren. Both cars swerved around the patrol vehicle, one on each side, and continued to drive away. [redacted] made a u-turn and began to pursue the maroon Infiniti.[3]

The Infiniti had three occupants, Dennis Keahey, the driver, Lawrence Tate, the front passenger, and Robert Cooper, the rear passenger.[4] During the pursuit, Keahey drove at a high rate of speed through a residential area and failed to stop at several posted stop signs. When the Infiniti was near the intersection of Winona Street and Acacia Avenue, [redacted] and Werner observed a revolver fly out the passenger side of the vehicle. The Infiniti continued and eventually turned onto San Luis Street, a residential street that ends in a cul-de-sac. While his vehicle was still moving, Keahey opened the driver's door and jumped out. The Infiniti continued to roll until it struck a parked van and came to a stop.

When Keahey jumped out of the Infiniti, he rolled to the ground and was nearly struck by [redacted] and Werner's patrol vehicle. Keahey stood up and began running down the driveway of a nearby residence. Werner exited the patrol vehicle and began to run after Keahey. A pick-up truck was parked in the driveway next to a fence which enclosed the backyard of the residence. Keahey climbed onto the bed of the pick-up truck, jumped over the fence, and fell to the ground. Werner jumped onto the pick-up truck and looked over the fence. As Keahey was getting up from the ground, he was hunched over and had his hand concealed in his waistband. Keahey turned and looked in Werner's direction. In fear for his life, Werner fired several rounds from his service weapon.[5]

Werner jumped over the fence as Keahey ran across the yard. As Keahey ran, he continued to look back at Werner while still holding onto his waistband with his right hand. In fear for his life, Werner fired several additional rounds. Keahey continued to run through the yard to the corner of the backyard. As Keahey ran, he was hunched over and grabbing his waistband area with his right hand. Again, he looked back toward Werner. In fear for his life, Werner fired two more rounds.[6] Keahey hopped over a chain link fence into the yard of the adjacent residence. As Werner ran toward the fence, Keahey raised both of his hands into the air and lay down on the ground. He was taken into custody without further incident.

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[2] A subsequent investigation revealed that the gunshots were related to a gang-related murder that occurred near the intersection of Stockwell Street and Aranbe Avenue which was approximately three blocks from [redacted] and Werner's location. The murder is still under investigation and no arrests have been made.

[3] The tan colored vehicle turned in a different direction and was not apprehended.

[4] Keahey is the registered owner of the Infiniti.

[5] Werner was armed with a Beretta model 92FS, 9mm Luger caliber semiautomatic pistol.

[6] Werner fired a total of 10 rounds.

After the Infiniti collided with the parked van, Tate exited the front passenger door of the vehicle. [redacted] ordered him to stop and get on the ground. Tate did not comply. Instead, he began running in [redacted] direction while holding his waistband with his hands. In fear for his life, [redacted] fired three rounds from his service weapon, striking Tate one time in his left foot.[7] Tate lay on the ground and was taken into custody without further incident. Cooper exited the vehicle and ran away from the deputies. He was later apprehended by LASD deputies who found him hiding under a parked vehicle. No firearms were located on Keahey or Tate's person.

Keahey and Tate were taken to St. Francis hospital in the City of Lynwood. Keahey was treated for multiple gunshot wounds to the chest, left thigh and right buttock. Tate was treated for a single gunshot wound to the left foot.

Statement of Dennis Keahey[8]

Keahey is a leader of the Leuder's Park street gang.[9] He was driving his Infiniti, but stated that he did not know the other passengers in his vehicle. As he was driving, Keahey observed a brown car "speeding up on his ass." He stepped on the gas to get away from the other vehicle. As he turned a corner, he observed a police car following him as well. Keahey knew the police were attempting to stop him, but he did not stop because he was scared of the police.

Keahey drove to San Luis Street because he knew people who lived there and thought he would be safe. After he parked his car, he exited and was almost run over by the patrol vehicle. Keahey was standing on a white pick-up truck when Werner first fired his weapon. After Keahey jumped over the gate, Werner fired again, this time striking him. Keahey fell to the ground and told the deputy, "I don't got nothing." Keahey told Werner that he was hit. Werner told him to "shut up" and fired at him again.

Keahey denied hearing any gunshots prior to the police following him. He also denied that there was a gun in his vehicle or that a gun was thrown from his vehicle during the police pursuit.

Statement of Lawrence Tate[10]

Tate is a member of the Leuder's Park street gang, but claims that he is not active in the gang.[11] Tate stated that he was picked up that evening by his girlfriend's cousin who was driving a maroon car. In addition to the driver, there was someone in the backseat of the vehicle. Tate recognized

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[7] [redacted] was armed with a Beretta model 92FS, 9mm Luger caliber semiautomatic pistol.
[8] Keahey was interviewed on October 25, 2012 at St. Francis Hospital by LASD Detective Richard Tomlin and Sergeant Luis Nunez.
[9] Keahey has [redacted]
[10] Tate was interviewed on October 25, 2012 at St. Francis Hospital by LASD Detective Richard Tomlin and Sergeant Luis Nunez. Cooper declined to make a statement.
[11] Tate was shot in the shoulder three weeks prior to this incident. He stated that he did not know who shot him, nor did he make any attempts to find out. Tate has [redacted]

both of the occupants of the vehicle to be Leuder's Park gang members, but he did not know their names. Tate sat in the front passenger seat. They were driving very quickly when the driver stated, "Oh shit, the police are behind me!" They did not stop and led the police on a "high speed chase from Alameda to Bradfield."

Eventually, they turned onto San Luis Street. Tate previously lived on this street. The driver and the rear passenger jumped out of the car while it was still moving. After their car collided with a parked van, Tate took off his seatbelt and quickly exited the vehicle. He was "kinda dizzy" because of the collision. He stated that he stumbled toward [redacted] with his hands low to his side. [redacted] stated, "Stop or I'm gonna shoot!" Immediately following his command, the deputy fired several rounds, striking Tate in the left foot.

Tate lay on the ground and told [redacted] that he did not have any weapons. Another deputy approached them and asked him where he was hit. When Tate replied that he was shot in his left foot, the deputy stepped on his left foot and stated, "That's for making us chase you."

Tate denied hearing gunshots prior to seeing the deputies following them. He denied knowing there was a gun in the vehicle or throwing a gun out of the window.

Evidence

A Smith & Wesson, 357 Magnum caliber revolver was recovered from the sidewalk of Winona Avenue near Acacia Avenue. It contained six fired 357 magnum caliber cartridge cases. The revolver was damaged. Near the handgun was a handgun grip which appeared to have fallen off the revolver.[12] Bullets recovered from the scene and the victim of the homicide were analyzed and determined to have been fired from this revolver.

A pair of black pants was recovered from the Infiniti. Inside a pocket of the pants, there was a plastic bag containing a 50-count box of "Remington" pistol and revolver 357 magnum cartridges. 6 cartridges were missing from the box.[13] These cartridges matched the cartridges found in the revolver.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Mercer (1962) 210 Cal.App.2d 153, 161.

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[12] The revolver, handgun grip, and cartridge cases were processed for prints. No prints were recovered.
[13] Prints were recovered from the bag and the ammunition box, but analysis is still pending.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined shows that, while on patrol, Deputies [redacted] and Werner heard numerous gunshots which sounded like they came from nearby. As they were going to investigate, they observed two vehicles approaching them at a high rate of speed from the direction of the gunshots. When [redacted] attempted to conduct a traffic stop, the vehicles swerved around them and drove in separate directions. [redacted] followed the Infiniti driven by Keahey in an attempt to stop them. Keahey attempted to evade the officers as he drove away in an erratic and unsafe manner, running several stop signs and traveling at a high rate of speed. During the pursuit, [redacted] and Werner observed a gun fly out of a window of the vehicle. After Keahey turned onto San Luis Street, he jumped out of the car as it was still moving, causing the Infiniti to crash into a parked vehicle.

Keahey ran down the driveway of a nearby residence with Werner following. Keahey's right hand was concealed in his waistband. After Keahey jumped onto the pick-up truck, he turned in Werner's direction. Werner believed that Keahey was armed with a firearm because Keahey was first observed driving from the direction of the sound of the gunshots, he drove in an erratic manner while evading the deputies, a handgun was thrown from his vehicle, and his right hand was concealed in his waistband. In fear for his life, Werner responded with deadly force. After Keahey jumped over the fence into the backyard of a residence, he turned toward Werner with his right hand concealed in his waistband. Again, in fear for his life, Werner responded with deadly force. As Keahey ran across the yard, his right hand remained out of sight by his waistband. He continued to turn and look back in Werner's direction. In fear for his life, Werner responded with deadly force.

After the Infiniti collided with the parked vehicle, Tate exited the front passenger seat. Tate was hunched over and holding his waistband as he ran in [redacted] direction. [redacted] ordered Tate to stop and lay on the ground. Tate did not comply. Because [redacted] heard several gunshots from the direction where he first observed the Infiniti, observed the erratic manner in which the

Infiniti attempted to evade the officers, observed a handgun being thrown from the vehicle, and could not see Tate's hands, [redacted] believed that Tate was armed. In fear for his life, he responded with deadly force.

We find that Deputies [redacted] and Werner acted in lawful self-defense and in an attempt to apprehend dangerous fleeing felons when they used deadly force against Dennis Keahey, Jr. and Lawrence Tate. Therefore, we are closing out file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

RENEE CHANG
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] # [redacted]
Deputy John Werner, # [redacted]